

REMARKS

Claims 1-20 are pending in the present application. By this amendment, claims 1-5 and 7-11 are amended. Applicants respectfully request reconsideration of the present claims in view of the following remarks.

I. Allowable Subject Matter

Applicants note with much appreciation that claims 12-20 are allowed.

II. Claim Rejections Under 35 U.S.C. §101

Claims 1-11 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In particular, the Office Action alleges that claims 1-11 recite non-functional descriptive material. Applicants respectfully traverse this rejection.

As noted by the United States Patent and Trademark Office Examination Guidelines for Computer-Related Inventions, “a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the medium which permit the data structure's functionality to be realized, and is thus statutory.” Since the data structure recited in each of claims 1-11 is embodied in a computer-readable medium, Applicants respectfully submit that claims 1-11 recite statutory subject matter and, thus, are allowable.

Moreover, claims 1-11 recite functional material because the data fields of the data structure identify information to a client computer which is used by the client computer to perform a function such as retrieving a data file identifying one or more diagnostics modules as recited by independent claim 1, or the data fields of the data structure identify information to the client computer that can be used by the client computer to determine diagnostics available to the client computer as well as information regarding use and installation of files to perform the diagnostics as recited by independent claim 5. The data structures of claims 1-11 are not analogous to forms of non-functional material such as music, binary pictures, and readable text because claims 1-11 describe a functional interrelationship between the data structure and the client computer. Since claims 2-4 depend from claim 1 and claims 6-11 depend from claim 5,

claims 2-4 and 6-11 also recite statutory subject matter for at least the reasons given above with regard to claims 1 and 5. For at least these reasons, Applicants respectfully submit that claims 1-11 recite statutory subject matter and are allowable.

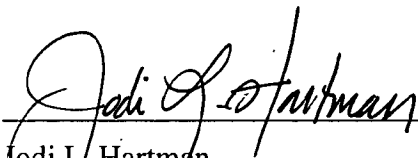
CONCLUSION

For at least these reasons, Applicants assert that the pending claims 1-20 are in condition for allowance. Applicants further assert that this response addresses each and every point of the Office Action, and respectfully request that the Examiner pass this application with claims 1-20 to allowance. Should the Examiner have any questions, please contact Applicants' attorney at 404.522.1100.

Respectfully submitted,

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